

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRIAN VESTER and JOEL MORALES,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

WERNER ENTERPRISES, INC., and  
DRIVERS MANAGEMENT, LLC;

Defendants.

**8:17CV145**

**ORDER**

This matter is before the Court following the parties' email notifications on December 29, 2017, that mediation held on December 18, 2017, was unsuccessful.<sup>1</sup>

On October 2, 2017, the parties advised the Court by email that they intended to mediate the case sometime in late November or December, 2017. Upon that representation, the Court ordered that "All case progression deadlines are stayed pending the outcome of mediation." ([Filing No. 54](#)). Although the case has now been stayed for three months, in the Defendants' letter to the undersigned magistrate judge, they request that no deadlines in the initial progression order entered on July 7, 2017, be changed. Plaintiffs believe the case progression schedule should be altered because the informal discovery conducted while the case was stayed was for the purpose of preparing for mediation. The Court agrees with Plaintiffs that the current case progression schedule should be extended in light of the previous mediation stay. Accordingly,

**IT IS ORDERED:**

1. The mediation stay is now lifted.
2. The parties are directed to meet and confer and jointly submit a new progression schedule to the undersigned magistrate judge on or before **January 24, 2018**.

---

<sup>1</sup> Neither party complied with the Court's Order ([Filing No. 54](#)) dated October 2, 2017, ordering the parties to (1) notify the undersigned magistrate judge of the mediation date once it was scheduled and (2) advise the Court of the outcome of mediation within three days after it took place.

Dated this 3<sup>rd</sup> day of January, 2018.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge